

**BEST AVAILABLE COPY**

07-27-05

17:23

From-CLARK & ELBING LLP

**RECEIVED**  
CENTRAL FAX CENTER

JUL 27 2005

T-966 P.001/004 F-085

**Clark & Elbing LLP**

101 Federal Street  
Boston, MA 02110

Telephone 617-428-0200  
Facsimile 617-428-7045  
617-428-7046

**Date:** July 27, 2005

**To:** United States Patent and Trademark Office  
ATTN: Examiner Sumesh Kaushal  
Art Unit 1636

**Facsimile No:** 1-571-273-8300

**From:** Kristina Eicker-Brady, Ph.D.  
Reg. No. 39,109

**Re:** U.S. Patent Application No.: 10/600,272  
MAMMALIAN IAP GENE FAMILY, PRIMERS, PROBES, AND  
DETECTION METHODS  
Customer No.: 21559  
Attorney Docket No.: 07891/003006

**Pages:** 4 (including cover sheet)

**Message:** Please charge the required fee of \$65.00 under 37 CFR 1.20(d) to our  
Deposit Account No. 03-2095

NOTICE: This facsimile transmission may contain confidential or privileged information intended for the addressee only. If you are not the addressee, be aware that any disclosure, copying, distribution, or use of the information is prohibited. If you have received this facsimile transmission in error, please call us at 617-428-0200 to arrange for its return at no cost to you.

**BEST AVAILABLE COPY**

# BEST AVAILABLE COPY

07-27-05

17:23

From-CLARK & ELBING LLP

+6174287023

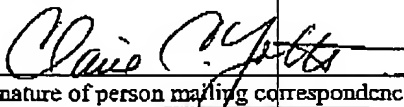
T-966

P.002/004

F-085

**RECEIVED**  
**CENTRAL FAX CENTER**  
**JUL 27 2005**

PATENT  
ATTORNEY DOCKET NO. 07891/003006

Certificate of Mailing	Date of Deposit: <u>July 27, 2005</u>
I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being transmitted to Examiner Sumesh Kaushal at 571-273-8300 on the date indicated above.	
Claire C. Yolts Printed name of person mailing correspondence	 Signature of person mailing correspondence

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Robert G. Korneluk et al.	Art Unit:	1636
Serial No.:	10/600,272	Examiner:	Kaushal, Sumesh
Filed:	June 20, 2003	Customer No.:	21559
Title:	MAMMALIAN LAP GENE FAMILY, PRIMERS, PROBES AND DETECTION METHODS		

### TERMINAL DISCLAIMER UNDER 37 C.F.R. §§ 1.321 and 3.73(b)

Pursuant to 37 C.F.R. § 1.321(b), Aegea Therapeutics Inc., the assignee of the entire right, title, and interest in the above-captioned application, seeks to disclaim the terminal portion of the term of the patent to be granted on the application. This terminal disclaimer is binding on the grantee and its successors or assigns.

Pursuant to 37 C.F.R. § 1.321(b)(2), Aegea Therapeutics Inc. hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the application subsequent to the expiration date of U.S. Patent No. 6,656,704. Aegea Therapeutics Inc. does not disclaim any terminal part of any patent granted on the

application prior to the expiration date of the full statutory term of U.S. Patent No. 6,656,704 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

The undersigned (whose title is supplied below) is empowered to act on behalf of Aegeira Therapeutics Inc. in making this terminal disclaimer. The undersigned further certifies that Aegeira Therapeutics Inc. is the assignee of the entire right, title, and interest in the above-identified application by virtue of an assignment from the inventors of the parent patent application, U.S. Serial No. 09/011,356, now U.S. Patent No. 6,656,704, which was filed on September 14, 1998. Assignments in connection with this application were recorded in the Patent and Trademark Office at Reel/Frame 009494/0236 on September 14, 1998, at Reel/Frame 009567/0693 on November 6, 1998, and at Reel/Frame 011874/0199 on June 8, 2001.

Further, pursuant to 37 C.F.R. § 1.321(c)(3), this terminal disclaimer is filed to obviate a double patenting rejection in the above-referenced patent application. Any patent granted on the above-referenced application or any resulting patent subject to reexamination proceedings shall be enforceable only for and during such period that said patent is commonly owned with the application or patent which formed the basis for the

rejection.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date:

July 20 2005

By:

Philip Swain

Printed Name:

PHILIP SWAIN

Title:

DIRECTOR, INTELLECTUAL PROPERTY

For: Aegera Therapeutic Inc.